

(Sept. 16, 1919, ch. 59, § 4, 41 Stat. 285; June 26, 1953, ch. 153, § 1, 67 Stat. 82.)

#### AMENDMENTS

1953—Act June 26, 1953, inserted provision relating to the exclusive right to manufacture, the use, and control of such emblems and badges deemed necessary in the fulfillment of the purposes of the corporation.

#### CROSS REFERENCES

Loan or gift of condemned or obsolete material by Secretary of military department or Secretary of the Treasury, see section 2572 of Title 10, Armed Forces.

Penalty for unauthorized manufacture, reproduction, or sale of badges or emblems of veterans' organizations, see section 705 of Title 18, Crimes and Criminal Procedure.

Recognition by Secretary of Veterans Affairs of representatives of American Legion for prosecution of claims under laws administered by Department of Veterans Affairs, see section 5902 of Title 38, Veterans' Benefits.

### § 45. Membership

No person shall be a member of this corporation unless such person has served in the naval or military services of the United States at some time during any of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; December 22, 1961, to May 7, 1975; August 24, 1982, to July 31, 1984; December 20, 1989, to January 31, 1990; August 2, 1990, to the date of cessation of hostilities, as determined by the United States Government; all dates inclusive, or who, being a citizen of the United States at the time of entry therein, served in the military or naval service of any governments associated with the United States during said wars or hostilities: *Provided, however,* That such person shall have an honorable discharge or separation from such service or continues to serve honorably after any of the aforesaid terminal dates.

(Sept. 16, 1919, ch. 59, § 5, 41 Stat. 285; Oct. 29, 1942, ch. 633, § 2, 56 Stat. 1012; July 9, 1946, ch. 546, 60 Stat. 524; Dec. 28, 1950, ch. 1177, 64 Stat. 1122; July 26, 1955, ch. 386, § 2, 69 Stat. 380; Sept. 1, 1966, Pub. L. 89-550, § 2, 80 Stat. 372; Dec. 27, 1974, Pub. L. 93-557, 88 Stat. 1792; Aug. 17, 1978, Pub. L. 95-346, 92 Stat. 485; Dec. 21, 1979, Pub. L. 96-155, 93 Stat. 1165; Oct. 30, 1990, Pub. L. 101-478, 104 Stat. 1157; Dec. 2, 1991, Pub. L. 102-179, 105 Stat. 1229.)

#### AMENDMENTS

1991—Pub. L. 102-179 amended section generally. Prior to amendment, section read as follows: "No person shall be a member of this corporation unless he has served in the naval or military services of the United States at some time during any of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; December 22, 1961, to May 7, 1975; August 24, 1982, to July 31, 1984; December 20, 1989, to January 31, 1990; all dates inclusive, or who, being a citizen of the United States at the time of entry therein, served in the military or naval service of any governments associated with the United States during said wars or hostilities: *Provided, however,* That such person shall have an honorable discharge or separation from such service or continues to serve honorably after any of the aforesaid terminal dates."

1990—Pub. L. 101-478 amended section generally. Prior to amendment, section read as follows: "No person

shall be a member of this corporation unless he has served in the naval or military services of the United States at some time during any of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; December 22, 1961, to May 7, 1975; all dates inclusive, or who, being a citizen of the United States at the time of entry therein, served in the military or naval service of any of the governments associated with the United States during said wars or hostilities: *Provided, however,* That such person shall have an honorable discharge or separation from such service or continues to serve honorably after any of the aforesaid terminal dates."

1979—Pub. L. 96-155 authorized membership in the corporation for service commencing Dec. 22, 1961, rather than Aug. 5, 1964, to May 7, 1975.

1978—Pub. L. 95-346 substituted "May 7, 1975" for "August 15, 1973".

1975—Pub. L. 93-557 substituted "December 31, 1946" for "September 2, 1945", "January 31, 1955" for "July 27, 1953", and "August 15, 1973" for "the date of cessation of hostilities as determined by the Government of the United States".

1966—Pub. L. 89-550 inserted "August 5, 1964, to the date of cessation of hostilities as determined by the Government of the United States," after "June 25, 1950, to July 27, 1953;".

1955—Act July 26, 1955, substituted "July 27, 1953" for "the date of cessation of hostilities, as determined by the United States Government".

1950—Act Dec. 28, 1950, redefined eligibility for membership in the American Legion.

1946—Act July 9, 1946, permitted veterans of World War II to become members.

1942—Act Oct. 29, 1942, included as members personnel of war beginning Dec. 7, 1941, and inserted proviso.

#### CROSS REFERENCES

Citizenship clause, see Const. Amend. 14, § 1.

### § 46. Nonpolitical nature of corporation

The organization shall be nonpolitical and, as an organization, shall not promote the candidacy of any person seeking public office.

(Sept. 16, 1919, ch. 59, § 6, 41 Stat. 285.)

### § 47. Acquisition of assets and liabilities of existing organization

Said corporation may acquire any or all the assets of the existing unincorporated national organization known as the "American Legion" upon discharging or satisfactorily providing for the payment and discharge of all its liabilities.

(Sept. 16, 1919, ch. 59, § 7, 41 Stat. 285.)

### § 48. Exclusive right to names

Said corporation and its State and local subdivisions shall have the sole and exclusive right to have and to use, in carrying out its purposes, the name "The American Legion", or "American Legion".

(Sept. 16, 1919, ch. 59, § 8, 41 Stat. 285; June 26, 1953, ch. 153, § 2, 67 Stat. 82.)

#### AMENDMENTS

1953—Act June 26, 1953, extended the exclusive right to the use of the name "American Legion".

### § 49. Annual report

The said corporation shall, on or before the 1st day of January in each year, make and transmit to the Congress a report of its proceedings for

the preceding calendar year: *Provided, however*, That said report shall not be printed as public documents.

(Sept. 16, 1919, ch. 59, § 9, 41 Stat. 285; Aug. 30, 1964, Pub. L. 88-504, § 4(3), 78 Stat. 636.)

#### AMENDMENTS

1964—Pub. L. 88-504 struck out “, including a full and complete report of its receipts and expenditures” after “calendar year”.

#### CROSS REFERENCES

Printing of proceedings of national encampments as House documents, see section 1332 of Title 44, Public Printing and Documents.

### § 50. Agents for service of process

As a condition precedent to the exercise of any power or privilege herein granted or conferred the American Legion shall file in the office of the secretary of state of each State the name and post-office address of an authorized agent in such State upon whom legal process or demands against the American Legion may be served.

(Sept. 16, 1919, ch. 59, § 9½, 41 Stat. 285.)

### § 51. Reservation of right to amend or repeal chapter

The right to repeal, alter, or amend this chapter at any time is expressly reserved.

(Sept. 16, 1919, ch. 59, § 10, 41 Stat. 285.)

## CHAPTER 3A—UNITED SPANISH WAR VETERANS

### §§ 56 to 56h. Omitted

#### CODIFICATION

Sections 56 to 56h related to United Spanish War Veterans, the corporate existence of which terminated pursuant to former section 56g of this title.

Section 56, acts Apr. 22, 1940, ch. 130, § 1, 54 Stat. 152; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501, created a corporation known as United Spanish War Veterans, specified individuals eligible for membership, and specified the powers of the corporation.

Section 56a, act Apr. 22, 1940, ch. 130, § 2, 54 Stat. 153, defined objects and purposes of corporation.

Section 56b, act Apr. 22, 1940, ch. 130, § 3, 54 Stat. 153, provided for principal office, place for holding annual meetings, and possession of property.

Section 56c, act Apr. 22, 1940, ch. 130, § 4, 54 Stat. 153, provided for supreme governing authority of corporation.

Section 56d, act Apr. 22, 1940, ch. 130, § 5, 54 Stat. 153, provided that governing body determine membership, except as limited by provision of section 56 of this title.

Section 56e, act Apr. 22, 1940, ch. 130, § 6, 54 Stat. 153, provided that activities of corporation be carried on through certain agencies.

Section 56f, act Apr. 22, 1940, ch. 130, § 7, 54 Stat. 154, provided corporation exclusive right to name.

Section 56g, act Apr. 22, 1940, ch. 130, § 8, 54 Stat. 154, provided that corporate existence of United Spanish War Veterans terminate when the last of its members dies.

Section 56h, acts Apr. 22, 1940, ch. 130, § 9, 54 Stat. 154; June 25, 1948, ch. 646, § 32(b), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107, provided for disposition and future ownership of property and archives.

## CHAPTER 3B—MARINE CORPS LEAGUE

Sec.

57. Corporation created.

Sec.

57a. Purposes of corporation.

57b. Powers of corporation.

58. Annual report.

59. Reservation of right to amend or repeal chapter.

### § 57. Corporation created

Major General John A. Lejeune, United States Marine Corps, retired, honorary national commandant; Maurice A. Ilch, national commandant; Roy S. Taylor, senior national vice commandant; Kenneth B. Collings, junior national vice commandant; Alexander F. Ormsby, national judge advocate; Reverend John H. Clifford, national chaplain; Edward A. Walker, national sergeant at arms; John B. Hinckley, Junior, national adjutant and paymaster; John E. Brock, national chief of staff, are created a body corporate of the name “Marine Corps League.”

(Aug. 4, 1937, ch. 564, § 1, 50 Stat. 558.)

### § 57a. Purposes of corporation

The purposes of this corporation shall be (a) to preserve the traditions and to promote the interests of the United States Marine Corps; (b) to band those who were on August 4, 1937, serving in the United States Marine Corps and those who have been honorably discharged from that service together in fellowship that they may effectively promote the ideals of American freedom and democracy; (c) to fit its members for the duties of citizenship and to encourage them to serve as ably as citizens as they have served the Nation under arms; (d) to hold sacred the history and memory of the men who have given their lives to the Nation; (e) to foster love for the principles which they have supported by blood and valor since the founding of the Republic; (f) to maintain true allegiance to American institutions; (g) to create a bond of comradeship between those in service and those who have returned to civil life; (h) to aid voluntarily and to render assistance to all marines and former marines as well as to their widows and orphans; (i) to perpetuate the history of the United States Marine Corps and by fitting acts to observe the anniversaries of historical occasions of peculiar interest to marines.

(Aug. 4, 1937, ch. 564, § 2, 50 Stat. 558.)

### § 57b. Powers of corporation

The corporation (a) shall have perpetual succession; (b) may charge and collect membership dues and receive contributions of money or property to be devoted to carrying out the purposes of the organization; (c) may sue or may be sued; (d) may adopt a corporate seal and alter it at pleasure; (e) may adopt and alter bylaws not inconsistent with the Constitution and laws of the United States or of any State; (f) may establish and maintain offices for the conduct of its business; (g) may appoint or elect officers and agents; (h) may choose a board of trustees, consisting of not more than fifteen persons nor less than five persons, to conduct the business and exercise the powers of the corporation; (i) may acquire, by purchase, devise, bequest, gift, or otherwise, and hold, encumber, convey, or other-